

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,
Plaintiff,

v.

ANSELMO RAIGOSA GARCIA,
Defendant.

No. CR-03-2119-FVS

ORDER DENYING §2255 MOTION
WITH LEAVE TO RENEW

IT IS HEREBY ORDERED that the Defendant's motion to vacate, set aside or correct his sentence pursuant to 28 U.S.C. § 2255, **Ct. Rec. 33**, is **DENIED AS UNTIMELY** because the Defendant's case is still pending on direct review. Pursuant to the statutory rules § 2255 petitions, the Defendant may renew his motion after the Ninth Circuit issues a mandate in this case.

IT IS SO ORDERED. The District Court Executive is hereby directed to enter this order, furnish copies to counsel and the defendant, and **close** the civil file, **CV-04-56-FVS**.

DATED this 6th day of May, 2005.

s/ Fred Van Sickle
Fred Van Sickle
Chief United States District Judge